UNITED STATES PATENT AND TRADEMARK OFFICE

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10/577,704	10/04/2006	Luis Jose Rey	L7725.06107	3173

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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington, DC 20006

EXAMINER
AMIRMOKRI, JALALEDDIN

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/577,704	REY ET AL.
	Examiner	Art Unit	
	JALALEDDIN AMIRMOKRI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-68</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-34</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>35-68</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>05/02/06, 08/02/06</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Status

This is in response to application filed on October 04, 2006 in which claims 1-68 were

submitted out of which claims 1-34 have been cancelled.

Information Disclosure Statement

1.   The information disclosure statements (IDS) submitted on 05/02/2006 and

08/02/06 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 35-41, 45-63 and 65-68 are rejected under 35 U.S.C. 102(b) as being

anticipated by J. Rey,Y. Matsui, D. Ido, Y. Notoya, Matsushita: 'RTP Payload Format for

3GPP Timed Text, draft-rey-avt-3gpp-timed-text-01.txt' IETF Internet Draft, September

2003 (2003-09), hereinafter 'RTP Payload Format for 3GPP Timed Text'.

Regarding claim 35, 'RTP Payload Format for 3GPP Timed Text' teaches a method for transmitting formatted text from a streaming server to a mobile client using an RTP protocol in a mobile communication system, wherein the formatted text comprises at least one text sample (as described in page 4, lines 13-16) having an associated text sample format description, the method performed by the streaming server comprising the steps of: determining (as described in page 4, lines 17-24) whether a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample, if so, adding (as described in page 4, lines 17-24) the text sample to be transmitted to at least one data packet to be transmitted, if not, adding (as described in page 4, lines 17-24) the text sample to be transmitted and its associated text sample format description to at least one data packet to be transmitted, and transmitting the at least one data packet to the mobile client (as described in page 4, lines 13-24).

Regarding claim 36, 'RTP Payload Format for 3GPP Timed Text' teaches that the text sample format description already provided has been transmitted to the mobile client in an earlier data packet (as described in page 4, lines 13-24).

Regarding claim 37, 'RTP Payload Format for 3GPP Timed Text' teaches that the text sample format description already provided has already been added to the at least one data packet when processing the earlier text sample (as described in page 4, lines 13-24).

Regarding claim 38, 'RTP Payload Format for 3GPP Timed Text' teaches that the step of adding the text sample to be transmitted to at least one data packet,

comprises further adding at least one sample identifier (as described in page 8, lines 1-3, Fig. 5) to the at least one data packet, wherein an sample identifier provides a mapping between a text sample format description and its associated text sample in the at least one data packet (as described in page 4, lines 13-24).

Regarding claim 39, 'RTP Payload Format for 3GPP Timed Text' teaches that the step of maintaining information on text sample format descriptions provided to the mobile client in the transmitted data packets (as described in page 4, lines 13-24 and page 14, lines 3-29).

Regarding claim 40, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information comprises data on the provided text sample format descriptions, data on the at least one data packet in which the text sample format description has been transmitted, and the at least one identifier (as described in page 4, lines 13-24, page 8, lines 1-3 and page 14, lines 3-29).

Regarding claim 41, 'RTP Payload Format for 3GPP Timed Text' teaches the step of determining the at least one transmitted data packet in which the text sample format description has been transmitted to the mobile client based on the maintained information, if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample (as described in page 4, lines 13-24).

Regarding claim 45, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet comprises a plurality of text samples and text sample format descriptions (as described in page 14, lines 3-29).

Regarding claim 46, 'RTP Payload Format for 3GPP Timed Text' teaches that the header of a data packet comprises at least one sample identifier and at least one text sample format description (as described in page 14, lines 3-29), if it has been determined that a text sample format description for a text sample to be transmitted has not already been provided for an earlier text sample (as described in page 4, lines 17-24).

Regarding claim 47, 'RTP Payload Format for 3GPP Timed Text' teaches that the header of a data packet comprises at least one identifier (as described in page 7, lines 1-5, Fig. 3, page 8, lines 1-3 and Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample (as described in page 4, lines 17-24 and page 14, lines 3-29).

Regarding claim 48, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet comprises a header and a payload section (as described in page 4, lines 38-40 and page 5, lines 1-40).

Regarding claim 49, 'RTP Payload Format for 3GPP Timed Text' teaches that the payload section comprises at least one sample identifier and at least one text sample (as described in page 6, lines 19-20, Fig. 1, page 7, lines 1-5, Fig. 3, page 8, lines 1-3 and Fig. 5).

Regarding claim 50, 'RTP Payload Format for 3GPP Timed Text' teaches that the step of determining whether a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample is based on the maintained information (as described in page 4, lines 13-24).

Regarding claim 51, 'RTP Payload Format for 3GPP Timed Text' teaches that a predetermined number of identifiers is used, and an sample identifier is reused for the provision of a new text sample format description and the corresponding text sample to the mobile client (as described in page 8, lines 1-3 and Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has not already been provided for an earlier text sample and if all available identifiers are used for mapping text samples to text sample format descriptions (as described in page 4, lines 17-24).

Regarding claim 52, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information on provided text sample format descriptions is updated upon reuse of an identifier (as described in page 4, lines 17-24).

Regarding claim 53, 'RTP Payload Format for 3GPP Timed Text' teaches that the maintained information further comprises a time stamp for each sample identifier indicating the latest insertion of the sample identifier into a transmitted data packet (as described in page 4, lines 38-40, page 5, lines 1-30, page 7 and Fig. 3).

Regarding claim 54, 'RTP Payload Format for 3GPP Timed Text' teaches that the step of reusing the sample identifier with the earliest time stamp for the transmission of a new text sample format description to the mobile client (as described in page 4, lines 38-40, page 5, lines 1-30, page 7, Fig. 3, page 8, lines 1-3 and Fig. 5).

Regarding claim 55, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet comprises at least one text sample format description only (as described in page 4, lines 17-24 and page 14, lines 3-29).

Regarding claim 56, 'RTP Payload Format for 3GPP Timed Text' teaches a streaming server transmitting formatted text to a mobile client via a mobile communication system using the RTP protocol, wherein the formatted text comprises at least one text sample (as described in page 4, lines 13-16) having an associated text sample format description, the streaming server comprising: packet forming unit operable to form at least one data packet, processing unit operable to determine (as described in page 4, lines 17-24) whether a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample, and transmission unit operable to transmit the at least one data packet to the mobile client, wherein the packet forming unit is operable to add the text sample to be transmitted to at least one data packet to be transmitted, if the processing unit has determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample (as described in page 4, lines 17-24), and wherein the packet forming unit is further operable to add the text sample to be transmitted and its associated text sample format description to at least one data packet to be transmitted, if the processing unit has determined that a text sample format description for a text sample to be transmitted has not already been provided for an earlier text sample (as described in page 4, lines 13-24).

Regarding claim 57, 'RTP Payload Format for 3GPP Timed Text' teaches that the streaming server is operable to perform a method for transmitting formatted text from a streaming server to a mobile client using an RTP protocol in a mobile communication system, wherein the formatted text comprises at least one text sample

(as described in page 4, lines 13-16) having an associated text sample format

description, the method performed by the streaming server comprising the steps of:

determining (as described in page 4, lines 17-24) whether a text sample format

description for a text sample to be transmitted has already been provided for an earlier

text sample, if so (as described in page 4, lines 17-24), adding the text sample to be

transmitted to at least one data packet to be transmitted, if not (as described in page 4,

lines 17-24), adding the text sample to be transmitted and its associated text sample

format description to at least one data packet to be transmitted, and transmitting the at

least one data packet to the mobile client (as described in page 4, lines 13-24).

Regarding claim 58, 'RTP Payload Format for 3GPP Timed Text' teaches a

method for operating a mobile client in a mobile communication system to receive

formatted text from a streaming server using the RTP protocol, wherein the formatted

text comprises at least one text sample (as described in page 4, lines 13-16) having an

associated text sample format description, the method comprising the steps of:

receiving at least one data packet from the streaming server, wherein the at least one

data packet comprises at least one text sample, determining (as described in page 4,

lines 17-24) whether for a respective one of said at least one text samples, the at least

one data packet further comprises at least one associated text sample format

description, if so (as described in page 4, lines 17-24), selecting the associated text

sample format description for the respective text sample comprised in the at least one

data packet, if not (as described in page 4, lines 17-24), selecting a text sample format

description for the respective text sample from text sample format descriptions already

available at the mobile client, formatting the respective text sample using the selected

text sample format description (as described in page 14, lines 3-29).

Regarding claim 59, 'RTP Payload Format for 3GPP Timed Text' teaches that

the at least one data packet further comprises at least one sample identifier (as

described in page 8, lines 1-3 and Fig. 5) mapping at least one text sample to its

associated text sample format description (as described in page 4, lines 13-24).

Regarding claim 60, 'RTP Payload Format for 3GPP Timed Text' teaches that

the step of maintaining information on the text sample format descriptions provided in

received data packets (as described in page 4, lines 13-24 and page 14, lines 3-29).

Regarding claim 61, 'RTP Payload Format for 3GPP Timed Text' teaches that

the maintained information comprises data on the provided at least one text sample

format description, and its at least one identifier (as described in page 4, lines 13-24,

page 8, lines 1-3 and page 14, lines 3-29).

Regarding claim 62, 'RTP Payload Format for 3GPP Timed Text' teaches that

the steps of selecting the associated text sample format description for a text sample

uses the sample identifier associated to the text sample to identify [and select] the

associated text sample format description from the at least one data packet or from text

sample format descriptions already available at the mobile client (as described in page

4, lines 13-24).

Regarding claim 63, 'RTP Payload Format for 3GPP Timed Text' teaches that

the step of updating said maintained information based on a new text sample format

description, if the at least one data packet comprises the new text sample format

description associated with an sample identifier that is already associated to another

text sample format description in said maintained information (as described in page 4,

lines 13-24).

Regarding claim 65, 'RTP Payload Format for 3GPP Timed Text' teaches that a

data packet received by the mobile client comprises only at least one text sample format

description and wherein the method further comprises storing the at least one text

sample format description received (as described in page 4, lines 13-24, page 8, lines

1-3 and page 14, lines 3-29).

Regarding claim 66, 'RTP Payload Format for 3GPP Timed Text' teaches a

mobile client for receiving formatted text from a streaming server using the RTP

protocol, wherein the formatted text comprises at least one text sample (as described in

page 4, lines 13-16) having an associated text sample format description, the mobile

client comprising: receiving unit operable to receive at least one data packet from the

streaming server, wherein the at least one data packet comprises at least one text

sample, processing unit operable to determine (as described in page 4, lines 17-24)

whether for a respective one of said at least one text samples, the at least one data

packet further comprises at least one associated text sample format description, text

formatting unit operable to format the respective text sample using the selected text

sample format description, wherein a selection unit is operable to select the associated

text sample format description for the respective text sample comprised in the at least

one data packet, if it is determined (as described in page 4, lines 17-24) by the

processing unit that for a respective one of said at least one text samples, the at least

one data packet further comprises at least one associated text sample format description, and wherein the selection unit is further operable to select a text sample format description for the respective text sample from text sample format descriptions already available at the mobile client, if it is (as described in page 4, lines 17-24) determined by the processing unit that for a respective one of said at least one text samples, the at least one data packet does not comprises at least one associated text sample format description (as described in page 14, lines 3-29).

Regarding claim 67, 'RTP Payload Format for 3GPP Timed Text' teaches the mobile client is operable to perform a method for operating a mobile client in a mobile communication system to receive formatted text from a streaming server using the RTP protocol, wherein the formatted text comprises at least one text sample (as described in page 4, lines 13-16) having an associated text sample format description, the method comprising the steps of: receiving at least one data packet from the streaming server, wherein the at least one data packet comprises at least one text sample, determining (as described in page 4, lines 17-24) whether for a respective one of said at least one text samples, the at least one data packet further comprises at least one associated text sample format description, if so (as described in page 4, lines 17-24), selecting the associated text sample format description for the respective text sample comprised in the at least one data packet, if not (as described in page 4, lines 17-24), selecting a text sample format description for the respective text sample from text sample format descriptions already available at the mobile client, formatting the respective text sample using the selected text sample format description (as described in page 14, lines 3-29).

Regarding claim 68, 'RTP Payload Format for 3GPP Timed Text' teaches a streaming system comprising at least one streaming server and a mobile client for receiving formatted text from a streaming server using the RTP protocol, wherein the formatted text comprises at least one text sample (as described in page 4, lines 13-16) having an associated text sample format description, the mobile client comprising: receiving unit operable to receive at least one data packet from the streaming server, wherein the at least one data packet comprises at least one text sample, processing unit operable to determine (as described in page 4, lines 17-24) whether for a respective one of said at least one text samples, the at least one data packet further comprises at least one associated text sample format description, text formatting unit operable to format the respective text sample using the selected text sample format description, wherein a selection unit is operable to select the associated text sample format description for the respective text sample comprised in the at least one data packet, if it is (as described in page 4, lines 17-24) determined by the processing unit that for a respective one of said at least one text samples, the at least one data packet further comprises at least one associated text sample format description, and wherein the selection unit is further operable to select a text sample format description for the respective text sample from text sample format descriptions already available at the mobile client, if it is determined by the processing unit that for a respective one of said at least one text samples, the at least one data packet does not comprises at least one associated text sample format description (as described in page 4, lines 13-24 and page 14, lines 3-29).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 42-44 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable

over 'RTP Payload Format for 3GPP Timed Text' in view of Ott J et al: 'Extended RTP

Profile for RTCP-based Feedback (RTP/AVPF), draft-ietf-avt-rtcp-feedback-07.txt'

INTERNET-DRAFT, 6 June 2003 (2003-06-06), hereinafter 'Extended RTP Profile for

RTCP-based Feedback'.

Regarding claim 42, 'RTP Payload Format for 3GPP Timed Text' teaches

reusing the sample identifier used in said determined at least one data packet for

mapping the text sample to be transmitted to a provided text sample format description

(as described in page 4, lines 13-24 and page 14, lines 3-29).

'RTP Payload Format for 3GPP Timed Text' fails to teach the step of determining

whether the determined at least one data packet has been acknowledged by the mobile

client.

'Extended RTP Profile for RTCP-based Feedback' teaches the step of

determining whether the determined at least one data packet has been acknowledged

by the mobile client (as described in page 4, lines 26-31, page 5, lines 19-27 and page

19, liens 4-24.).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text' to utilize ACK as the basis for reusing and transmitting the text sample as described by 'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop communications and hence provide a highly reliable and versatile communication system to the user.

Regarding claim 43, 'RTP Payload Format for 3GPP Timed Text' teaches the text sample to be transmitted and its associated text sample format description (as described in page 14, lines 3-29) are added to the at least one data packet (as described in page 4, lines 13-24).

'RTP Payload Format for 3GPP Timed Text' fails to teach if it has been determined that the determined at least one data packet has not been acknowledged by the mobile client.

'Extended RTP Profile for RTCP-based Feedback' teaches that if it has been determined that the determined at least one data packet has not been acknowledged by the mobile client (as described in page 4, lines 26-31, page 5, lines 19-27 and page 19, liens 4-24).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text' to utilize NACK as the basis for transmitting the text sample as described by 'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop communications and hence provide a highly reliable and versatile communication system to the user.

Regarding claim 44, 'RTP Payload Format for 3GPP Timed Text' teaches that the at least one data packet comprises a header and a payload section (as described in page 7, lines 1-5 and Fig. 3), and wherein the header of a data packet comprises the reused identifier (as described in page 8, lines 1-3, Fig. 5), if it has been determined that a text sample format description for a text sample to be transmitted has already been provided for an earlier text sample(as described in page 4, lines 13-24).

Regarding claim 64, 'RTP Payload Format for 3GPP Timed Text' fails to teach the step of transmitting an acknowledgement for the at least one received data packet to the streaming server.

'Extended RTP Profile for RTCP-based Feedback' teaches that the step of transmitting an acknowledgement for the at least one received data packet to the streaming server (as described in page 4, lines 26-31, page 5, lines 19-27 and page 19, lines 4-24).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify 'RTP Payload Format for 3GPP Timed Text' to acknowledge receiving the text sample as described by 'Extended RTP Profile for RTCP-based Feedback' in order to offer closed loop communications and hence provide a highly reliable and versatile communication system to the user.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JALALEDDIN AMIRMOKRI whose telephone number is (571)270-5880. The examiner can normally be reached on M-F 8am-5m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571)272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A./

03/30/09

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617